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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,673	09/21/2001	Thomas Jaskiewicz	SMQ-076	5611
959	7590	02/23/2006		
LAHIVE & COCKFIELD 28 STATE STREET BOSTON, MA 02109			EXAMINER POLTORAK, PIOTR	
			ART UNIT 2134	PAPER NUMBER
DATE MAILED: 02/23/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/960,673

Applicant(s)

JASKIEWICZ ET AL.

Examiner

Peter Poltorak

Art Unit

2134

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 January 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-3, 5, 9, 11-17
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant arguments in regard to the 35 U.S.C. § 112 were found persuasive and the 35 U.S.C. § 112 rejection has been withdrawn.

However, applicant arguments in regard to the rejection 35 U.S.C. § 103 were found non persuasive.

In regard to the 35 U.S.C. § 103 applicant argues that the art of record does not teach or suggests "receiving a network storage policy from an authorized user, the authorized user has the authority to control user access to storage locations".

The argument has been carefully considered but it was not found persuasive.

In the Final Office Action the examiner explicitly discussed (§ 16-20) applying the storage policy to storage decisions on the network using the software facility with the plurality of storage locations as pertaining to the art of record. (Bakke).

The examiner then stated that Bakke does not explicitly teach that "the storage policy is received from an authorized user and that the authorized user has the authority to control user access to storage locations".

However, as cited by the examiner (in the previous Office Action) and noted by applicant Bakke discusses policies that are specified by EACH USER, where each user's policy takes into account, among other things the cost and speed of storage. Each user specifies their own policy and the data storage manager implements it for them (e.g. applicant's "Remarks", pg. 7).

The examiner points out that the EACH USER includes an authorized user.

Furthermore, even if policies were not received from an authorized user, as disclosed by Bakke, such a modification would have been at least obvious.

The examiner points to Brown (cited in the previous Office Action) that explicitly teaches AUTHORIZED USERS: administrators (e.g. Domain Admins or Enterprise Admins) that "have all the powers associated with that group and THE ABILITY TO CONTROL EVERYTHING in the domain, tree, and trusting forest" (Brown, "Groups" section, pg. 4).

The term "domain" and "forest" should be especially appreciated since domains in Microsoft Windows 2000 comprise objects such as computers (clients and servers) and computers comprise storage locations. The forest is a plurality of domains.

Paragraph § 22 (the Final Office Action) lists multiple examples of POLICIES RECEIVED FROM THE AUTHORIZED USER (administrator) followed by the motivation to combine Microsoft 2000 teachings with Bakke's invention.

Furthermore, the examiner once again points to Brown who clearly discloses that "AUTHORIZED USERS HAVE AUTHORITY TO CONTROL ACCESS TO THE STORAGE". In particular, the "Controlling User Access to Resources" section clearly discloses limiting user permissions to storage locations and immediately below Figure 9.17 (that shows user permissions administration) Brown urges to ensure that the authorized users (Admins) are given the authority to control user access to storage locations ("keep in mind that you should always add the Admin groups to the permission list with full control". The "full control" in Microsoft 2000 means that in addition to read, write etc., the user assigned the "full control" can take an ownership of a resource and change the resource permissions).

In light of Microsoft 2000 teaching it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to receive a network storage policy from an authorized user that has the authority to control user access to storage location into the Bakke's storage location on the network given benefit of controlling user access to storage locations.

Lastly, the examiner points out that receiving policies from authorized users that have authority to control user access to storage location authorized users is a fundamental concept in network system's administration. Although the examiner chose to select Microsoft 2000 the concept is well known and utilized in other systems, e.g. Unix, Novell etc. The need for restricting access to storage locations is a must in a system requiring the very basic security and charging authorized users with this task is the only reasonable choice. Similarly, allowing the authorized users to set up policies is an extension of the automation, that is the main aim in computer arts and once again charging authorized users with this task in addition to security ensures the integrity of the systems.



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